

Preserve WT Subcommittee Minutes

January 21, 2021

Via Zoom: Amy Upton, Whit Griswold, Ivory Littlefield, Heikki Soikkeli, Bruce MacNelly & Sam Look in attendance.

Whit shared that we will still have to adhere to the deadline even if ATM is postponed. We might have a couple of extra weeks to fiddle with details as long as we put a placeholder into the warrant. But we need to assume that Feb 2 is our preliminary deadline.

Brief discussion about Board of Health role in determining house size. Are the BOH regulations useful for our purposes?

BOH might have different determinations than Building Inspector, about what is considered a bedroom and what is not.

Brief continued discussion about how we measure the space that is counted in the sf allowance. What is in and what is out?
What if we count all spaces that are insulated, heated and plumbed? Do we split it based on degree of plumbing, yes/no shower, etc.

Chilmark calls it Total Living Area. No further definition as to heated, etc. Basically just anything you can live in.

Brief discussion of the ability to build an unheated camp, should this count/not count?

Seasonal camps are limited to 800 sf and would be counted in the septic numbers.

Discussion about +/-250 v. 500 sf/ acre </> 3 acres

Bruce: 500 sf makes more sense. 250 is maybe not generous enough as you go up in lot size and it is not taking enough off for smaller lots. You still can have a very big house on a small lot. 1 acre can have up to 5500 sf with 250 as the number. Big houses on smaller lots are much more visible from roads, etc than a big house on 10 acres.

Sam: really feel strongly about 250 sf. As the lots get big, even at 250 sf/acre, the houses can still get really big. There have been some cases in CHL with a bylaw in place, where neighbors have been shocked at how big houses could be because of lot size. Also, as lot sizes go down is there an equity issue if we are taking a bigger bite out of smaller pieces and more sharply limiting people who can only afford smaller lots? Not sure, but worth thinking about.

Whit: I don't really feel the need to take a bigger bite out of smaller lots.

HS: What about one number as acres go down (-500), another number going up (+250).

Only taking 250 sf/acre off smaller lots is potentially more damaging than giving 500 sf/acre as you have more acres.

What about a 5500 sf house on 1 acre. Do we feel like this bylaw would give the ZBA the power to say no to a house this size in an inappropriate place/neighborhood?

Ideally this would give them that ability, but they did not deny the Stimola project and Chilmark has never denied. So maybe not.

Is there a reason the special permit process should go through the Planning Board too? Why just the ZBA?

Could anything over 3000 go to the Planning Board site review committee? And then onto the ZBA with the PB recommendations?

Whit: The PB needs to figure out enforcement/implementation. We are writing a new bylaw, not figuring out the enforcement.

What about 3000 sf as the cap on 3 acres? Make this number match the trigger that the Planning Board already has in place? Not sure about going smaller than 3500 sf.

Amy made a comment about not wanting to be too limiting to be people. She uses her own property as an example when she is thinking through how the proposed bylaw would impact people. 3500 does not feel overly generous.

Bruce: We want to make sure we are not discouraging people from being able to have home businesses/offices. There needs to be enough latitude for people to build primary residences and other structures.

Heikki: We need to remember that 3500 sf is just a trigger, and that people can go all the way up to 6000 sf on 3 acres by engaging in the special permit process. That is a lot of buildable space that could be allocated in many ways, home offices, etc.

A motion was made to set the number at 3500 sf for 3 acres and to include guest houses in the aggregate for those lots that can accommodate them. Seconded, unanimous.

Sam made a motion for 250 sf to be the number in both directions (added/acre >3, subtracted/acre <3) seconded. Unanimous.

Basements

Copy Chilmark's language about living area above grade. Give the building inspector discretion to determine what percentage of the basement counts, if any. Linked to percentage. Bruce will write up an example.

Heikki raised a question about buildable land. In WT if you have a bigger lot, for example 21 acres, and you want to build multiple houses on this undivided lot, you do not

necessarily get credit for all of your acres, there is a “buildable land” total that is created by taking out various areas –slope, roads, wetlands, etc. For example, this might only be 15 of your 21 acres, therefore the number of houses you can build would be based on 15. When we apply the 250sf/acre number is the property owner getting credit for all of their owned acreage? Or just “buildable land”. Group decided that all acreage would count towards sf allowance.

Attics: even if it says storage it counts if it has a real stair and habitable space – headroom and egress. Code is clear about what makes an attic space habitable. Refer to IRC language, maybe list paragraph.

Still need to address accessory structures not already part of the residential space.

Bruce: In the past WT proposed a limit on accessory structures and there was a lot of pushback.

Heikki: Fossil fuel mention in special permit criteria is very nebulous. Still need to pin this down. Heikki spoke to Ken Bailey (HERS rater) about how the size of the building could be connected to energy performance. Create some sort of equation where the bigger the house the better it needs to perform. Equation would be tied to current code, not a specific number, so that as code changes the expectation changes with it. All think this is a good idea.

Accessory structures to be addressed at the Saturday meeting. Possibly energy efficiency as well, but waiting to hear more from Ken Bailey.

Meeting adjourned.

Minutes approved January 23, 2021

